



09-2-04

J. R. RCE / 1632

PTO/SB/30 (09-03)

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# Request for Continued Examination (RCE) Transmittal

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|                        |                       |
|------------------------|-----------------------|
| Application Number     | 09/472,558            |
| Filing Date            | 12/27/1999            |
| First Named Inventor   | Mohammad B. Bahramian |
| Art Unit               | 1632                  |
| Examiner Name          | Peter Paras, Jr.      |
| Attorney Docket Number | 9.001                 |

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☒ Affidavit(s)/ Declaration(s)

iv. ☒ Other POA Form SB81 (2 forms)

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☒ Other Rule 91 Petition; return postcard

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☒ Other Processing Fee under 1.17(i) for Rule 91 Petition

b. ☒ Check in the amount of \$ 515.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |                  |                                   |                   |
|-------------------|------------------|-----------------------------------|-------------------|
| Name (Print/Type) | Peter J. Knudsen | Registration No. (Attorney/Agent) | 40682             |
| Signature         |                  | Date                              | September 1, 2004 |

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

|                   |  |      |  |
|-------------------|--|------|--|
| Name (Print/Type) |  | Date |  |
| Signature         |  |      |  |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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02 FC:1460



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: : M. Bahramian and H. Zarbl  
Application No. : 09/472,558  
Filed: : December 27, 1999  
For : *MUTING GENE ACTIVITY*  
*USING A TRANSGENIC NUCLEIC ACID*

Examiner : Peter Paras, Jr.  
Art Unit: : 1632  
Docket No. : 9.001  
Customer # : 46167

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Washington DC 20231-1450

AMENDMENT,  
REQUEST FOR CONTINUING EXAMINATION, AND  
PETITION UNDER 37 CFR § 1.91

Honorable Commissioner:

This paper is filed in response to Examiner's Office Action, made final, dated June 1, 2004, and includes a Request for Continuing Examination and a Petition under 37 CFR § 1.91 for entry of the accompanying Rule 131 Declaration as part of the record of the application.

Applicants here submit amendments to Claim 11 and request that Examiner reconsiders the patentability of the claims as amended. The attorney docket number and associated customer number have changed to reflect the change in attorney for Applicants (please see Power of Attorney and Correspondence Address Indication (Form SB81), filed with this RCE).

Applicants' Listing of Claims begins on page 2 of this paper and Argument begins on page 9.